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PTO/SB/53 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REISSUE APPLICATION: CONSENT OF ASSIGNEE;  
STATEMENT OF NON-ASSIGNMENT**

Docket Number (Optional)

109536-117

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s) **Eisai Co., Ltd.**

Patent Number **5,945,420**

Date Patent Issued **August 31, 1999**

Title of Invention **IMMUNOPOTENTIATING AND INFECTION PROTECTIVE AGENT  
AND PRODUCTION THEREOF**

1. ☒ Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)
2. ☐ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are \_\_\_\_\_  
and the assignee(s) consents to the accompanying application for reissue.

Name of assignee/inventor (if not assigned)

**Yoshimasa Machida**

Signature

*Yoshimasa Machida*

Date

*7th September 2001*

Typed or printed name and title of person signing for assignee (if assigned)

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
DIRECTOR OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/943,054	08/30/2001	Seiichi Araki	109536-161

23483

HALE AND DORR, LLP

60 STATE STREET

BOSTON, MA. 02109



Date Mailed: 02/21/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

Correction of the following is required to complete the reissue application:

The reissue specification has not been provided in double-column format as is required by 37 CFR 1.173(a)(1). **A surcharge is not required when supplying this item.**

**X** Consent of the assignee is missing. 37 CFR 1.172 requires that the reissue oath/declaration be accompanied by the written consent of all assignees. Until this item is supplied, the oath/declaration remains defective; thus, **payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.**

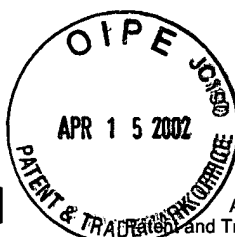
Consent of the assignee is present, but is unsigned. A statement of consent bearing the signature of an official authorized to act on behalf of the assignee(s) must be provided, to comply with 37 CFR 1.172. Until this item is supplied, the oath/declaration remains defective; thus, **payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.**

Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.72 requires that all assignees consenting to the reissue establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b). See MPEP § 324. Until this item is supplied, the oath/declaration remains defective; thus, **payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.**

Assignee's statement under 37 CFR 3.73(b) is present, but is unsigned. A 37 CFR 3.73(b) statement bearing the signature of an official authorized to act on behalf of the assignee must be provided. Until this item is supplied, the oath/declaration remains defective; thus, **payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.**

A copy of this notice **MUST** be returned with the reply.

Office of Initial Patent Examination (703)308-1202



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/943,054
	<b>Filing Date</b>	August 30, 2001
	<b>First Named Inventor</b>	Araki
	<b>Group Art Unit</b>	Not yet assigned
	<b>Examiner Name</b>	Not yet assigned
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b> 109536.161

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	<b>Remarks</b>	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Additional copy of Consent Additional copy of Reissue Specification	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Hollie L. Baker, Reg. No. 31,321, Hale and Dorr LLP
Signature	<i>Hollie L. Baker</i>
Date	4-4-2002

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>		
Typed or printed name	Patricia Corrigan	
Signature		Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Araki, et al

**Serial No.:** 09/943,054

**Filed:** August 30, 2001

**Entitled:** Immunopotentiating and Infection  
Protective Agent and Production  
Thereof

**Attorney Docket No.:** 109536-161



**Examiner:** Not yet assigned

**Group Art Unit:** Not yet assigned

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231, Attn: Office of Initial Patent Examination on the date indicated below.

Date: April 5, 2002

  
Patricia Corrigan

**BOX MISSING PARTS**

Commissioner for Patents

Washington, D.C. 20231

Attn: Office of Initial Patent Examination

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NON-PROVISIONAL APPLICATION**

Sir:

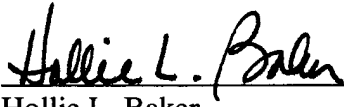
In response to the Notice to File Missing Parts of Application mailed February 21, 2002, enclosed for filing in the above-identified patent application are the following documents:

1. Additional copy of Consent signed by Assignee;
2. Additional copy of Reissue Specification in double-column format;
3. Return Copy of Notice to File Missing Parts of Non-Provisional Application; and
4. Return receipt postcard;

Applicant respectfully advises the Commissioner that because the Consent form was originally included with the first Response to Notice to File Missing Parts of Reissue Application filed on December 31, 2001, no fees are believed to be due. If however a fee is due or a credit owed in connection with this matter, please make it to our Deposit Account No. 08-0219.

Respectfully submitted,

Date: 4-4-2002

  
\_\_\_\_\_  
Hollie L. Baker  
Attorney for Applicant  
Reg. No. 31,321

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